

ORDER:

It appears that plaintiff has filed an amended complaint (Docket Entry No. 19) and that defendant Metropolitan Government has filed a subsequent motion to dismiss (Docket Entry No. 23).

Accordingly, the Clerk is directed to terminate this motion as moot.

Defendants.

Judge Sharp
Magistrate Judge Bryant

METROPOLIAN GOVERNMENT’S MOTION TO DISMISS

The Metropolitan Government moves to dismiss all claims against it and states to the Court as follows:

PRELIMINARY STATEMENT¹

At around midnight on January 11, 2013, Metropolitan Nashville Police Department (“MNPd”) Officer Phillip Shuler pulled Plaintiff over. Officer Shuler asked Plaintiff to step out of her car and perform some sobriety tests. According to Plaintiff, Officer Shuler nearly stepped into traffic while conducting these tests. When Plaintiff expressed her concern to Officer Shuler, he ordered her into his patrol car to perform a breathalyzer test. Plaintiff requested a blood test. At that point, Plaintiff alleges that Officer Shuler flung the patrol car door open, grabbed Plaintiff by her arm, told her that she was under arrest, and roughly pulled Plaintiff from the car.

Officer Shuler then purportedly handcuffed Plaintiff so forcefully that the handcuffs cut into her wrists. Plaintiff told Officer Shuler that she felt like her arm was about to break. Officer Shuler allegedly kicked Plaintiff's legs out from underneath her and dug his fingernails into

¹ All facts are drawn from the Complaint.